

WESTFIELD TOWN COUNCIL, March 13, 2006

The Westfield Town Council met in regular session Monday, March 13, 2006 at the Westfield Town Hall. Members present were Teresa Otis Skelton, Bob Smith, Jack Hart, David Mikesell, and Ron Thomas. Also present were Clerk-Treasurer, Cindy Gossard, Town Manager, Jerry Rosenberger and Legal Council, Brian Zaiger. President Otis Skelton called the meeting to order at 7:00 p.m.

**Approval of Minutes:**

Dave Mikesell made a motion to approve February 13, 2006 meeting as amended. Ron Thomas seconded. Vote: Yes-4; No-0. Abstention-1 (Skelton) Motion carried.

**Guests;**

Mr. David Mueller spoke of his concern regarding the downtown Westfield area. He stated the agenda for this year for the Town and Town Council addressed very few items which were expressed by citizens, i.e. sidewalks, parking, utility lines, and eye sores which need to be cleaned up. He also spoke of Historical Westfield Day coming up March 25.

Mr. Jack Bonham invited citizens to the Comprehensive Plan Steering Committee meeting this Thursday, February 16 where a speaker will be featured.

**Merit Commission Appointments:**

Captain Todd Burtron stated that the Firefighters are given two appointees to the Fire Merit Commission and this year they appointed Brian Kercheval and Bob Benson.

President Bob Smith stated his appointments are Julie Sole with a four-year term and Heather O'Farrell for a two-year term.

The Town Council Appointees were Bob Murphy and Eric Lohee. Bob Smith stated there can only be one appointee and there will need to be a vote.

Bob Murphy spoke and stated he would look forward to serving.

Eric Lohee spoke and stated he would look forward to serving and being part of the community.

Ron Thomas made a motion to appoint Bob Murphy. Bob Smith seconded. Hart seconded.

Dave Mikesell made a motion to appoint Eric Lohee. Jack Hart seconded.

Eric Lohee was appointed by show of hands. Vote 3-2.

**Annexation Advisory Board Appointments:**

Bob Smith announced the appointments to the Annexation Advisory Board:

Jack Bonham  
Conrad McGinnis  
Martin Raines

**Old Business:**

**Ordinance 06-07      Annexation  
Bridgewater Parcel 3510 East 151<sup>st</sup> Street  
Public Hearing – February 13, 2006  
Second Reading**

Jerry Rosenberger presented details of this Ordinance, stating Council previously approved rezoning of these acres.

Dave Mikesell made a motion to approve Ordinance 06-07 as presented. Teresa Skelton seconded. Vote: Yes-5; No-0. Motion carried.

**Resolution 06-07      Annexation Fiscal Plan  
Bridgewater Parcel 3510 East 151<sup>st</sup> Street**

Jerry Rosenberger introduced this fiscal plan for annexation Ordinance 06-07.

Dave Mikesell made a motion to approve Resolution 06-07 as presented. Jack Hart seconded. Vote: Yes-5; no-0. Motion carried.

## **Town and Twp Fire Department Budget Contract**

Jerry Rosenberger presented annual contract between Town of Westfield and Washington Township for fees to support the Fire Department. Jerry explained the contract has been reviewed and the Town requested quarterly payments rather than semi-annual payments in order to help with cash flow.

Teresa Skelton made a motion to accept the contract and to authorize the Town Council President to sign the contract. Jack Hart seconded. Vote Yes-5; No-0. Motion carried.

## **Regulatory Changes/Council Introduction**

### **First Council Consideration**

#### **Langston Development Company, Inc.**

Mr. Jim Langston, Langston Development, presented details of requesting rezone of approximately 73 acres for an additional section in Brookside.

Consensus of Town Council is to move this project on to the Advisory Plan Commission.

#### **Ackerson Family Farms LLC**

Mr. Charlie Frankenberger from Nelson & Frankenberger, representing Nels Ackerson and Karen Jamison, presented details of the proposed project and introduced Randy Sherman, Planner, from Weaver Design Group. He stated the size of the project is 36 acres and is located at the corner of Ditch Road and SR 32.

Nels Ackerson gave an overview of the vision of the project which includes a new ordinance adopting more than the Westfield Zoning Ordinance with additional details and requirements necessary to establish the quality of development they want to introduce.

Randy Sherman presented the design details of the project.

Ron Thomas suggested the Ackersons come back next month so the Council has time to digest all the information shared during the presentation.

## **Drees Homes**

Teresa Skelton recused herself for the Drees presentation.

Mr. John Talbot, Drees Homes, introduced guests, Mr. Mic Sheets, Mr. Steve Hardin, Mr. Harry Sanders, Mr. Bill McCulgin, Ms. Rosie Oshrey, and Mr. Jesse Pulman, and presented the details of the Westgate Project. John Talbot stated they are working with Westfield Washington Schools to build a new elementary school on the site as well.

Ron Thomas recommended this come back next month in order to have time to review materials presented.

## **New Business:**

### **Declaration of Covenants and Restrictions Wetland Mitigation - Richardson Property**

Jerry Rosenberger presented details of the Declaration from Kite Realty associated with the acceptance of this project.

Dave Mikesell made a motion to accept the Covenants and Restrictions as presented. Teresa Skelton seconded. Vote: Yes-5; No – 0. Motion carried.

### **Proclamation:           Disabilities Awareness Month**

Teresa Skelton read the Proclamation.

Bob Smith signed the Proclamation which proclaimed March of 2006 Westfield Disabilities Awareness Month.

### **2006 Special Census Council Consideration:**

Jerry Rosenberger explained the details and reason for the 2006 Special Census. Jerry explained the cost of the Special Census is \$134,101 with an initial payment of \$92,117 sent in up front.

Dave Mikesell made a motion to approve the Memo of Understanding as presented. Jack Hart seconded. Vote: Yes-5; No-0. Motion carried.

Ron Thomas would like the motion to include a guaranteed amount paid back to the 2002 COIT Fund.

Dave Mikesell amended his motion to authorize the Town Manager, Jerry Rosenberger, to sign the Memorandum of Understanding and to provide for the replacement of the fund from the 2002 COIT that are being used for the census as follows: The first \$110,000.00 of the Food and Beverage Tax for calendar year 2006 exceeds \$110,000.00 the first \$25,000.00 in excess will be placed back into the 2002 COIT fund and the remainder of the excess will remain in the General Fund to help create a small working balance. In future years \$25,000.00 will be placed back into the 2002 COIT fund each year from the Food and Beverage tax until the full Special Census fees of \$134,101.00 are paid back.

Same vote: Yes – 5; No – 0. Motion carried.

**Ordinance 06-11:   Annexation  
                          Bridgewater 161<sup>st</sup> Street and Carey Road (NE)  
                          First Reading – Public Hearing**

Jerry Rosenberger presented the Ordinance, which is a 100% voluntary annexation of 14.5 acres. He stated notice was placed in the paper for a Public Hearing tonight for consideration of this annexation.

Public Hearing opened 9:20 p.m.

None

Public Hearing closed 9:21 p.m.

Jerry Rosenberger stated this Ordinance will come back to the Town Council in April for a Second Reading

**Bright House Networks LLC:   Cable Franchise Agreement**

Jerry Rosenberger stated in the last two weeks legislature passed a telecom bill which allows cable companies to have a license with the State rather than individually with each city and town. Therefore, he stated no action is necessary at this time and the Town will still be receiving 3% on gross sales.

## **Westfield Public Works: Capital Purchase**

Mr. Bruce Hauk presented the request from Westfield Public Works Department for a capital purchase of two equipment items. He stated these items have been budgeted for the 2006 Budget; the first is the purchase of 2006 Ford F350 pickup truck to be assigned to the Street Department.

Dave Mikesell made a motion to approve the capital purchase not to exceed \$24,000. Teresa Skelton seconded. Vote: Yes-5; No-0. Motion carried.

Bruce Hauk stated the second request is for a 2006 Toro Grand Master 4000D Batwing mower. He also stated competitive quotes have been obtained, and the price is \$40,850.

Jack Hart made motion to approve the purchase of the new parks mower not to exceed \$41,000. Dave Mikesell seconded. Vote: Yes-5; No-0. Motion carried.

## **Department Head Contract:**

Jerry Rosenberger stated that one Department Head had been omitted from the contract list through December of 2007.

Dave Mikesell made a motion to authorize Town Council President, Bob Smith, to sign Mike Fisher's contract. Jack Hart seconded. Vote: Yes-5; No-0. Motion carried.

Jerry Rosenberger also explained the Town's contract with Legal Council, Brian Zaiger, expires in December of 2006. He further stated his request for the Council to approve extending that contract through December, 2007 due to Zaiger's knowledge of the Town and in order to lock in the annual retainer, which is \$10,000 per quarter.

Dave Mikesell made a motion to extend the contract with Brian Zaiger through December 31, 2007. Teresa Skelton seconded. Vote: Yes-5; No-0. Motion carried.

## **Consent Agenda:**

### **Release of Performance Bonds – Maple Knoll Section 2**

Bruce Hauk stated all the requirements have been satisfied.

Jack Hart made a motion to approve the Release of Performance Bonds for Maple Knoll Section 2. Dave Mikesell seconded. Vote: Yes-5; No-0. Motion carried.

**Town Manager Report:**

- March 14 – Public Works, HNTB, and Rosenberger re: 146<sup>th</sup> neighborhood groups TIF projects.
- April 6, 7:00 p.m. Centennial church, HOA Associations how they will receive services.
- April 11, 7:00 Oak Trace, DNR re: Emerald Ash Boar.
- Job summary and advertising for new Parks Director.
- As part of an energy savings project, the Greyhound Pass Water Plant is going to be opened this year.
- WPWD is currently working with Chrono and Associates to refund the 1997 Sewer Revenue Bonds.
- We are very close to the Asa Bales and Quaker Park implementation. Meeting with Parks Advisory Committee on April 27.
- Close to starting two studies – thoroughfare study and a corridor study.
- Continuing to buy easements along Little Eagle Creek on the west side to be ready for eventually putting the 54 inch interceptor in.
- Comprehensive Plan – Encouraged the Council to stay engaged with this project. Target for a full draft coming from the Consultant in May.
- At the end of 2005, there were two funds which do not have revenue from property taxes, Local Road and Street and also Motor Vehicle and Highway. Local Road and Street has a cash balance of \$94,000; Motor Vehicle and Highway has a cash balance of \$229,000. Would like to ask for additional appropriation of \$200,000, to do two things, have fees to design a bridge on 161<sup>st</sup> Street and Towne Road and also purchase a front end loader.

**Council Comments:**

None

**Claims:**

Dave Mikesell made a motion to approve claims as presented. Teresa Skelton seconded. Vote: Yes-5; No-0. Motion carried.

With no further business the meeting adjourned at 9:45 p.m. Executive session followed.

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Clerk-Treasurer

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Council President